

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66197 of 2024

Arising Out of PS. Case No.-179 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

Vivek Kumar Ray @ Vivek Kumar Rai @ Vivek K. Ray S/O- Kusheshwar
Ray R/o Village- Makkanpur Ward no. 26, P.S.- Patori, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reena Devi Wife of Sanjay Bhagat Nagar Parishad Shahpur Patori Ward no. 23, P.S. Patori, Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suneil Kumar Thakur, Adv.
For the Opposite Party/s	:	Mr.Bishweshwar Ram, APP
For the O.P. No.2	:	Mr. Mahboob Ashraf, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 20-01-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Patori
P.S. Case No. 179 of 2024 instituted for the offences under
Section 366A of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner along with other co-accused persons is of kidnapping
the minor daughter of the Informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that the matter has been compromised between the parties. The petitioner has no criminal antecedent and is languishing in judicial custody since 26.07.2024 without any rhymes or reason. Charge-sheet has been submitted in this case. Learned counsel for the petitioner has filed supplementary affidavit stating therein that the victim girl has already solemnized marriage with one Mukesh Prasad Chourasia and is leading her happy conjugal life.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner stating that the offence alleged against the petitioner is serious in nature. He further submits that the victim girl in the statement recorded under Section 164 Cr.P.C. has categorically stated that co-accused Jarif and the petitioner have forcefully kidnapped her and confined for three days and the petitioner has committed rape with her. The victim is minor as her date of birth as per age certificate is 07.07.2010 and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the nature and gravity of the offence supported by the statement of the victim girl recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the



petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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